

# **Exhibit “C”**



# sanitation

Edward Grayson Commissioner

## **DENIAL OF RELIGIOUS EXEMPTION APPEAL INFORMATION**

DSNY has reviewed your request for a religious exemption to the Order of the Commissioner of Health and Mental Hygiene that all City employees provide proof of receipt of a COVID-19 vaccine. Because the information you provided in support of your request has not sufficiently demonstrated to DSNY that there is a basis for granting you an exemption to the above Order, DSNY is denying your request for an accommodation.

Please be advised that you have three (3) business days to appeal this decision, which means your appeal must be submitted by no later than Tuesday, November 23, 2021, at 5:00pm. If you choose to appeal, while your appeal is pending, you will be permitted to continue working as long as you continue to submit a weekly negative COVID test result. If you choose not to appeal this decision or do not submit proof of receipt of a COVID-19 vaccine within three business days, you will be placed in Leave Without Pay status effective Wednesday, November 24, 2021.

If you choose to appeal, appeals can be made through the following portal using your City email address: [www.nyc.gov/vaxappeal](http://www.nyc.gov/vaxappeal). You must provide all requested information and documentation to the appeal portal and choose one of two options below for your appeal. **If you do not have a City email address or access to a computer and wish to appeal, you must send an email to [Appeals@dsny.nyc.gov](mailto:Appeals@dsny.nyc.gov) with your name, reference number, phone number, name of your union, and appeal option selected (1 or 2), and OEDI will submit your appeal on your behalf.**

### **Option 1**

Employees may choose to appeal to a central City panel consisting of DCAS, Law and the City Commission on Human Rights. Appeals will be decided based on the documentation submitted to DSNY, and there shall be no live hearing.

If your appeal is granted by the City panel, you will be permitted to report to work so long as you continue to submit a weekly negative COVID test.

### **Option 2**

As an alternative to submitting your appeal to the City panel, employees may choose to appeal to Scheinman Arbitration and Mediation Services (SAMS), subject to the terms set forth below:

- Employees shall be required to affirmatively waive their individual right to seek an accommodation through any other legal means or process or to bring a legal challenge to the process or the denial of an accommodation request, except the employee may bring an Article 75 appeal.

- SAMS will only grant appeals based on religious exemptions if it is in writing by a religious official (e.g., clergy). Requests shall be denied where the leader of the religious organization has spoken publicly in favor of the vaccine, where the documentation is readily available (e.g., from an online source), or where the objection is personal, political, or philosophical in nature. Exemption requests shall be considered for recognized and established religious organizations (e.g., Christian Scientists).
- A panel of arbitrators identified by SAMS shall hear these appeals and may request that the employee or DSNY submit additional documentation. The assigned arbitrator may also request information from City doctors as part of the review of the appeal documentation. The assigned arbitrator, at his/her discretion, will either issue a decision on the appeal based on the documents submitted or hold an expedited (virtual) factual hearing. If the panel requests a factual hearing, the employee may elect to have a union representative present but neither party shall be required to be represented by an attorney at the hearing. The City will be represented at the hearing by attorneys from the Office of Labor Relations and/or the NYC Law Department. The expedited hearing shall consist of brief opening statements, questions from the arbitrator, and brief closing statements. Cross examination shall not be permitted. Any documentation submitted at the Arbitrator's request must be provided to DSNY at least one business day before the hearing or the issuance of the written decision without hearing.

If your appeal is granted by the arbitrators, you will be permitted to report to work so long as you continue to submit a weekly negative COVID test.